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10/748,440

12/30/2003

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| EXAMINER |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,440
Filing Date: December 30, 2003
Appellant(s): FRIEDMAN ET AL.

Douglas C. Wyatt
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/11/2007 appealing from the Office action mailed 11/03/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|-----------------|---------|
| 4,700,809 | LAZAR | 10-1987 |
| 06-144748 | AKIRA | 5-1994 |
| 3,631,942 | BROUNN | 1-1972 |
| 4,635,756 | SHERWOOD ET AL. | 1-1987 |

| | | |
|-----------|-----------------|---------|
| 06-001569 | NORIHISA ET AL. | 1-1994 |
| 05-330765 | SEKI | 12-1993 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 and Brounn U.S. Patent No. 3631942.
2. **Regarding claim 1**, Lazar discloses an elevator cab, referred to as elevator car 26, construction including shell panels, referred to as flat rectangular sheet-metal panel 50, 60, 70, forming the interior walls of the cab 26 with a ceiling, referred to as top panel 80, and platform, referred to as base 28, and stiffeners, referred to as vertical corrugations 69, 79, on the interior of the shell panels 60, 70 to provide suitable support.
3. Lazar is silent concerning vertical corner trim stiffeners in the corners of the cab supporting the shell panel and decorative panels mounted on the shell panels on the interior of the cab and mounted between the stiffeners.
4. Akira teaches an elevator cab construction including shell panels, referred to as side plates 1 forming the interior walls of the cab with a ceiling 12 and platform 8, and vertical corner trim stiffeners, referred to as pillars 3 and joints 4, in the corners of the cab supporting the shell panel 1.
5. Brounn teaches an elevator cab construction including stiffeners, referred to as intermediate columns 38, 39, 60, 65, to provide suitable support and decorative panels,

referred to as wall panels 28, 29, 30, 45, 46, 52, 53, mounted on the interior of the cab and mounted between the stiffeners 38, 39, 60, 65.

6. It would have been obvious to one of ordinary skill in the art at the time of the invention to include stiffeners as taught by Akira on the interior of the shell panels disclosed by Lazar to facilitate support.

7. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount decorative panels as taught by Brounn on the shell panels on the interior of the cab and between the stiffeners disclosed by Lazar to provide a decorative finish to the interior of the elevator cab.

8. Claim(s) 2 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 and Brounn U.S. Patent No. 3631942 as applied to claim 1 above, and further in view of Sherwood et al. U.S. Patent No. 4635756.

9. **Regarding claim 2**, Lazar is silent concerning the shell panels have openings to the elevator shaft to provide ventilation through stiffeners.

10. Sherwood et al. teaches shell panels, referred to as panel member 50, having openings, referred to as ventilating openings 68, 70, to the elevator shaft to provide ventilation.

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to have openings as taught by Sherwood et al. on the shell panels disclosed by Lazar to facilitate ventilation within the elevator cab.

12. Claim(s) 3-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748. Brounn U.S. Patent No. 3631942, and Sherwood et al. U.S. Patent No. 4635756 as applied to claim 2 above, and further in view of Norihisa et al. JP Publication No. 06-001569.

13. **Regarding claim 3**, Lazar is silent concerning the stiffeners are vertical and separate strips of stiff material attached vertically to the shell panels.

14. Norihisa et al. teaches stiffeners 25 are vertical and separate strips of stiff material attached vertically to shell panels, referred to as inner walls 21.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to vertically attach stiffeners that are vertical and separate strips of stiff material as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

16. **Regarding claim 4**, Lazar is silent concerning decorative panels are approximately the same thickness as the vertical stiffeners and extend inwardly from the shell panels.

17. Brounn teaches decorative panels 28, 29, 30, 45, 46, 52, 53 are approximately the same thickness as the vertical stiffeners 38, 39, 60, 65, shown in Figure 2, and extend inwardly.

18. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the decorative panels as taught by Brounn approximately the same thickness as the vertical stiffeners disclosed by Lazar to facilitate the internal width and depth of the elevator cab.

19. **Regarding claim 5**, Lazar discloses vertical stiffeners 69, 79 are channel-shaped.

20. Claim(s) 6-11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748. Brounn U.S. Patent No. 3631942, Sherwood et al. U.S. Patent No. 4635756, and Norihisa et al. JP Publication No. 06-001569 as applied to claim 5 above, and further in view of Seki JP Publication No. 05-330765.

21. **Regarding claim 6**, Lazar is silent concerning the shell panels are attached to the platform by a base section and to the ceiling by a transom riser section offset from the plane of the shell panels.

22. Brounn teaches a base section, referred to as bottom beams 35, 59, 62, attached to the platform, referred to as floor portion 11, and a transom riser section, referred to as top beams 34, 56, 61, attached to a ceiling 14.

23. Seki teaches a transom riser section, shown as the top section of side plate 3, offset from the plane of a shell panels, referred to as reinforcement 9, attached to a ceiling.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a platform by a base section and to a ceiling by a transom riser section as taught by Brounn to facilitate a rigid elevator cab and the connection between the shell panels and the platform and ceiling.

25. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a ceiling by a

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transom riser section offset from the plane of a shell panel as taught by Seki to provide a flush wall surface.

26. **Regarding claim 7**, Lazar discloses an elevator cab 26 construction including a platform 26 and a ceiling 80, shell panels 50, 60, 70 forming the interior walls of the elevator cab 26 attached to the ceiling 80 and platform 26, vertical interior stiffeners 69, 79 formed on the shell panels 50, 60, 70 from the panel material to provide stiffening, decorative panels mounted on the shell panels on the interior of the cab between the vertical stiffeners

27. Lazar is silent concerning shell panels attached to the ceiling and platform by a base and transom, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels toward the elevator interior, vertical hat-shaped interior stiffeners, vertical corner trim stiffeners in the corners of the cab to support the shell panels, and decorative panels mounted on the shell panels on the interior of the cab between the vertical stiffeners.

28. Brounn teaches an elevator cab construction including a platform 11 and a ceiling 14, a base 35, 59, 62 and transom 34, 56, 61 attached to the ceiling 14 and platform 11 which are channel-shaped, vertical interior stiffeners 38, 39, 60, 65 to provide stiffening, and decorative panels 28, 29, 30, 45, 46, 52, 53 mounted on the interior of the cab between the vertical stiffeners 38, 39, 60, 65.

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a platform by a base section

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and to a ceiling by a transom riser section as taught by Brounn to facilitate a rigid elevator cab and the connection between the shell panels and the platform and ceiling.

30. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount decorative panels as taught by Brounn on the shell panels on the interior of the cab and between the stiffeners disclosed by Lazar to provide a decorative finish to the interior of the elevator cab.

31. Seki teaches base and transom, shown as the top and bottom portion of side plate 3, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels, referred to as reinforcement 9, toward the elevator interior.

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to ceiling and platform by a base and transom, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels toward the elevator interior as taught by Seki to provide a flush wall surface.

33. Norihisa et al. teaches an elevator cab including a platform and a ceiling, shell panels 21 forming the interior walls of the elevator cab attached to the ceiling and platform, and vertical hat-shaped interior stiffeners 25 formed on the shell panels 21 to provide stiffening.

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to form vertical hat-shaped interior stiffeners as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

35. Akira teaches an elevator cab construction including a platform 8 and a ceiling 12, shell panels 1 forming the interior walls of the elevator cab attached to the ceiling 12 and platform 8, and vertical corner trim stiffeners 3, 4 in the corners of the cab to support the shell panels 1

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to include stiffeners as taught by Akira on the interior of the shell panels disclosed by Lazar to facilitate support.

37. **Regarding claim 8**, Lazar is silent concerning decorative panels are approximately the same thickness as the vertical stiffeners.

38. Brounn teaches decorative panels 28, 29, 30, 45, 46, 52, 53 are approximately the same thickness as vertical stiffeners 38, 39, 60, 65, shown in Figure 2.

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the decorative panels as taught by Brounn approximately the same thickness as the vertical stiffeners disclosed by Lazar to facilitate the internal width and depth of the elevator cab.

40. **Regarding claim 9**, Lazar is silent concerning the vertical stiffeners are hat-shaped.

41. Norihisa et al. teaches vertical stiffeners 25 that are hat-shape

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach vertical stiffeners are hat-shaped as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

43. **Regarding claim 10**, Lazar is silent concerning the shell panels have openings to the elevator shaft to provide ventilation through hat-shaped vertical stiffeners.

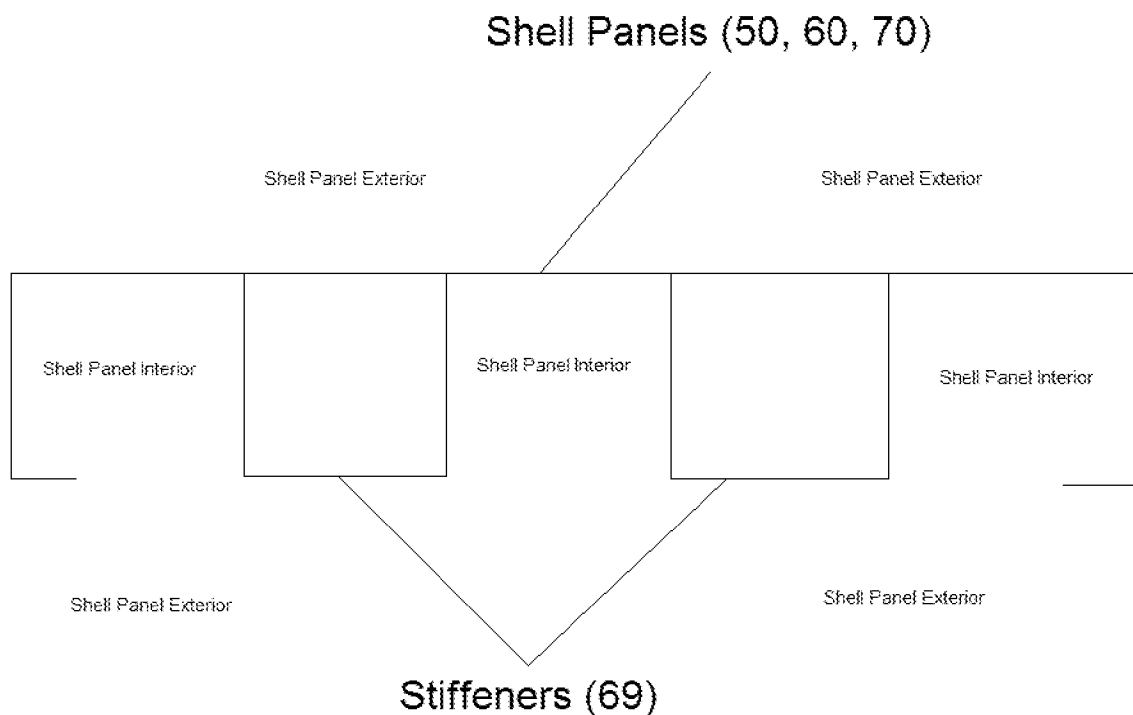
44. Sherwood et al. teaches shell panels, referred to as panel member 50, having openings, referred to as ventilating openings 68, 70, to the elevator shaft to provide ventilation.

45. It would have been obvious to one of ordinary skill in the art at the time of the invention to have openings as taught by Sherwood et al. on the shell panels disclosed by Lazar to facilitate ventilation within the elevator cab.

(10) Response to Argument

46. Applicant's arguments filed 12/11/2007 have been fully considered but they are not persuasive.

47. In response to applicant's argument "Lazar does not suggest or disclose "stiffeners on the interior of the shell panels to provide suitable support" as required by claim 1" Lazar clearly shows the interior of shell panels, referred to as panels 50, 60, 70, provided with suitable supports, referred to as vertical corrugations 69, 79. The office clearly depicts in the following figure stiffeners on the interior of the shell panel.



48. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., stiffeners which extend into the interior space of the elevator cab) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

49. In response to applicant's argument "Brounn does not disclose or suggest 'decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners'" Brounn clearly depicts in Figure 1 a decorative wall panel, referred to as rear wall panel 29, mounted on one end to a stiffener, referred to as column member 38, and another stiffener, referred to as column member 39, yielding a decorative panel mounted between the two stiffeners. Furthermore, Brounn further

discloses decorative wall panel, referred to as rear wall panel 29, mounted between stiffeners, referred to as columns 60, 65, in Figure 1.

50. In response to applicant's argument "Seki does not suggest or disclose a base and transom which are both channel shaped and offset outwardly from the vertical plane of the shell panels toward the elevator interior, as required by claim 7, since the "reinforcement 9" is not a shell panel as described by the Examiner, and because "side plate 3" is not a base and transom as described by the Examiner" Seki is relied upon for the teachings of a base and transom, shown as the bottom and top section of side plate 3, which is channel shaped, shown in Figure 3, and offset outwardly from the vertical plane of shell panels, referred to as reinforcement 9, toward the elevator interior, shown in Figure 3. Appellant provides no support for the assertion "reinforcement 9" is not a shell panel and the top and bottom portion of "side plate 3" is not a base and transom. It should be noted that the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997).

51. In response to applicant's argument "Norihisa et al. does not disclose or suggest "vertical hat shaped interior stiffeners formed on [the] shell panels"" Norihisa et al. is relied upon for the teachings of vertical hat shaped interior stiffeners, referred to as vertical reinforcing member 25, formed on the shell panels, referred to as inner wall 21, shown in Figure 3.

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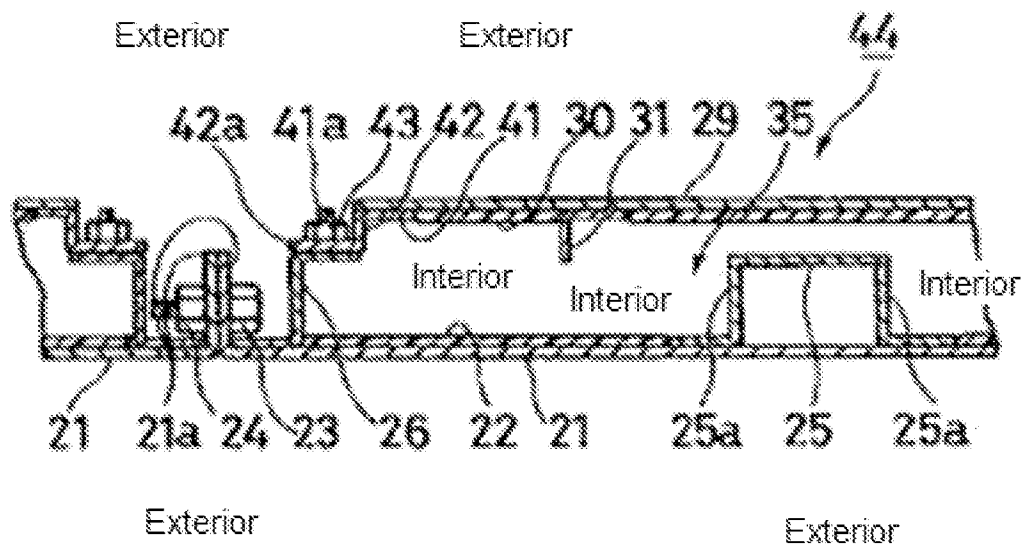


Figure 3

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Eric E. Pico

Conferees:

Peter Cuomo/P. M. C./

Supervisory Patent Examiner, Art Unit 3654

Meredith Petravick /mcp/

/Peter M. Cuomo/

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